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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,914	08/20/2001	Nikolai K.N. Leung	010439	7752

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
2681	10

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,914

Applicant(s)

LEUNG ET AL.

Examiner

Jean A Gelin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the Applicant's amendments and arguments filed on December 04, 2003 in which claims 1, 2, 5, 7, and 9 have been amended. Claims 1-11 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagnon et al. (EP 1 024 661 A2) in view of Birdwell et al. (6,032,197).

Regarding claim 1, Gagnon teaches in a wireless communication system supporting a broadcast service (i.e., system that broadcast video or multimedia data over the air, col. 10, lines 45-55), a method comprising: transmitting a broadcast session on a broadcast transmission channel (i.e., the broadcast session is video programming or multimedia data, col. 10, lines 45 to col. 11, line 17).

Gagnon does not specifically use the phrase "transmitting broadcast overhead information" interleaved with the broadcast session on the broadcast transmission channel.

However, Gagnon teaches in col. 11, line 46 to col. 12, line 26, the transmission of packet data, the packetized data stream includes a header that identifies the contents

of data packet (audio/video programming) (i.e., the header that identifies the content is included in the broadcast signal). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include any identifier such as the header or overhead information within the transmission of the packetized data in order to identify the contents of programming signals, video/audio/data signals being transmitted.

Regarding claim 2, Gagnon teaches wherein the broadcast packetized data, which includes the header information is a session description protocol message containing information for processing the broadcast session, and wherein the session description protocol message is interleaved with broadcast content of the broadcast session (col. 30, line 4 to col. 31, line 57).

Regarding claim 3, Gagnon teaches a communication signal transmitted on a carrier wave (i.e., broadcasting video over the air, col. 10, lines 45-55), the signal comprising: a broadcast session portion (i.e., broadcasting video, col. 6, lines 25-39); wherein the SDP provides information for processing the broadcast session (col. 30, lines 4-57).

Gagnon does not clearly detail a session description protocol message (SDP message) interleaved with the broadcast session portion.

However, Gagnon teaches the standard field of the SDP protocol includes various types of information such as video/audio signals, session identifier, the name of the SDP session, list of Internet webpages that can provide additional information (col. 29, line 39 to col. 30, line 57). Therefore, it would have been obvious to one of ordinary

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skill in the art, at the time the invention was made, to use the information incorporated within the SDP protocol (i.e., interleaved with video signal) in order to allow users to pre-select download content from descriptions of the content.

Regarding claim 4, Gagnon teaches wherein the signal is transmitted via a broadcast transmission channel (col. 8, line 53 to col. 9, line 11).

Regarding claims 5, 7, Gagnon teaches in a wireless communication system supporting a broadcast service (i.e., system that broadcast video or multimedia data over the air, col. 10, lines 45-55), a method comprising: accessing a broadcast session on a broadcast channel; and processing the broadcast session using the SDP message (col. 29, line 39 to col. 30, line 57).

Gagnon does not clearly detail receiving a session description protocol (SDP) message interleaved to the broadcast session on the broadcast channel.

However, Gagnon teaches session description protocol (SDP) are periodically broadcast, i.e., corresponding to periodically receive, (col. 13, line 49 to col. 14, line 12), the standard field of the SDP protocol includes various types of information such as video/audio signals, session identifier, the name of the SDP session, list of Internet webpages that can provide additional information (col. 29, line 39 to col. 30, line 57). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use the information incorporated within the SDP protocol (i.e., interleaved with video signal) in order to allow users to pre-select download content from descriptions of the content.

Regarding claim 6, Gagnon teaches wherein the SDP message is interleaved with broadcast content of the broadcast session (col. 30, lines 4-32).

Regarding claim 8, Gagnon teaches means for receiving header compression information (col. 29, line 39-42).

Regarding claim 9, Gagnon teaches memory storage adapted to store the SDP corresponding to a plurality of broadcast sessions, wherein the SDP of each of the plurality of broadcast sessions is updated when the corresponding broadcast session is accessed (col. 29, line 39 to col. 30, line 54).

Regarding claim 10, Gagnon teaches wherein the memory storage is a cache memory (i.e., SDP+ records various information that can use in the system, col. 30, lines 24-32).

Regarding claim 11, Gagnon teaches wherein the memory storage is a look up table (col. 31, lines 17-25).

Response to Arguments

4. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Loa (US 6,314,095) teaches method and apparatus for high-speed multimedia content switch with compressed Internet protocol header.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEAN GELIN
PATENT EXAMINER

J.Gelin
February 17, 2004

Jean Allard Gelin